Case 6:16-cv-06147-DGL-MWP	Document 1	Filed 03/08/16
----------------------------	------------	----------------

1

2

18

19

20

212223

24

25

26

272829

30

31

32

33

34

UNITED STATES DISTRICT COURT SO LOEWENGUTH, CLE FOR THE WESTERN DISTRICT OF NEW YORK DISTRICT OF

3 4 5 Jonathan Paul Catlin CASE NO. 16 CV 6147 L 6 Plaintiff JUDGE: Larimer 7 8 VS. **COMPLAINT FOR VIOLATIONS OF 47** 9 U.S.C. §227 and 15 U.S.C. §1681; Integrity Solution Services, Inc. 10 STATUATORY DAMAGES, ACTUAL 11 Defendant DAMAGES, and PUNITIVE DAMAGES 12 13 14 DEMAND FOR TRIAL BY JURY 15 16 17

INTRODUCTION & OPENING STATEMEMT

This is an action brought by Plaintiff against Integrity Solution Services, Inc. for violations of the Telephone Consumer Protection Act, 47 USC § 227 (herein after "47 USC § 227"), and the Fair Credit Reporting Act, 15 U.S.C. §1681 (herein after "15 U.S.C. §1681").

I. JURISDICTION and VENUE

- 1. This action arises under 47 U.S.C. §227 and 15 U.S.C. §1681. The jurisdiction of this court is founded on federal question jurisdiction, 28 U.S.C. §1331.
- 2. Venue is proper because the events giving rise to Plaintiff's causes of action occurred within this district, as provided in 28 U.S.C. § 1391(b)(2).

II. PARTIES

- 3. Plaintiff, Jonathan Paul Catlin, herein after "Plaintiff", at all times relevant herein, was domiciled in the town of Naples, New York.
- 4. Plaintiff is a consumer as defined by 15 USC §1681a(c).
- 5. Plaintiff is informed and believes that Defendant, Integrity Solution Services, Inc., herein after "Defendant", is a Missouri Corporation. Upon information and belief, Defendant's principle

business address is Integrity Solution Services, Inc., 20 Corporate Hills Drive, Saint Charles, 1 2 Missouri 63301. 3 PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT 4 The plaintiff has not begun any other lawsuits in state or federal court dealing with the 5 same facts involved in this action. **CONDITIONS PRECEDENT** All conditions precedent have been performed or have occurred. 7. **FACTS** Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 7 above 8. and incorporates the same as if set forth here in full. From October 2014 through November 2014, Defendant called Plaintiff's personal cell phones (585-348-0991 and 585-775-9109) at least 13 times. Defendant obtained Plaintiff's credit report from Trans Union on October 9, 2014. 10.

12 13

6 7 8

9

10 11

14

15

16

17

18 19

20 21

22 23

24 25

26 27 28

29 30

31 32

33 34 **COUNT I**

(47 U.S.C. §227; Placing calls to a personal cell phone using an automated dialer)

- Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 7 above 11. and incorporates the same as if set forth in full.
- From October 2014 through November 2014, Defendant called Plaintiff's personal cell 12. phones (585-348-0991 and 585-775-9109) no less than 13 times. Plaintiff intends to propound discovery to determine the full number of calls which defendant placed to his cell phone.
- Upon information and belief, Defendant used an automatic telephone dialing system to 13. place these calls.
- Plaintiff has no contract or business relationship with Defendant, and has never given Defendant express permission to call Plaintiff's cell phone..
- The federal basis for this claim is 47 U.S.C. §227(b)(1)(A) and 47 U.S.C. §227(b)(3). 15. WHEREFORE, Plaintiff prays for statutory damages (\$1,500.00 per call) and punitive damages against Defendant.

COUNT II

(15 U. S. C. §1681; Willful non-compliance with permissible purpose requirements.)

Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 22 16. 1 above and incorporates the same as if set forth here in full. 2 Defendant willfully violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer 3 17. report without a permissible purpose as defined by 15 U.S.C. §1681b. 4 As a direct result of Defendant's actions described in Count II, Plaintiff has suffered 5 18. lowering of credit score, defamation of character, and embarrassment, all to his injury. 6 The federal basis for this claim is 15 U.S.C. §1681b and 15 U.S.C §1681n. 7 8 9 **COUNT III** (15 U. S. C. §1681; Negligent non-compliance with permissible purpose requirements.) 10 Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 26 20. 11 above and incorporates the same as if set forth here in full. 12 Defendant negligently violated 15 USC §1681b(f) by obtaining Plaintiff's consumer 13 21. report without permissible purpose as defined by 15 USC §1681b. 14 As a direct result of Defendant's actions described in Count III, Plaintiff has suffered 15 22. lowering of credit score, defamation of character, and embarrassment, all to his injury. 16 The federal basis for this claim is 15 U.S.C. §1681b and 15 U.S.C §1681o. 17 23. 18 19 20 **SUMMARY OF RELIEF SOUGHT** WHEREFORE, Plaintiff prays for relief against Defendant as follows: 21 22 a) For statutory damages in the amount of \$20,500.00 b) For actual damages in the amount of \$3,000.00 23 c) For punitive damages in the amount allowed by law. 24 d) Reasonable legal costs & fees, along with costs of suit. 25 26 e) Reasonable costs of time to pursue suit; and, f) Such other relief as this Court may find to be just and proper. 27 28 29 30 **DEMAND FOR TRIAL BY JURY** 31 I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND 32 CORRECT TO THE BEST OF MY KNOWLEDGE. 33 34

EXECUTED this 29th day of February, 2016.

35

lendth Paul Catin Griginal Signature

Jonathan Paul Catlin c/o PO Box 313 Naples, Idaho

cell: 208-627-3950

e-mail: myfriendstenthousand@gmail.com

In Proper Person

AFFIDAVIT OF JONATHAN PAUL CATLIN

STATE OF IDAHO)
) s.
COUNTY OF BONNER)

Comes now, Jonathan Paul Catlin, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

- Affiant has not been presented with any contract or agreement that presents Affiant and Integrity Solution Services, Inc. as parties to said contract or agreement.
- 2. Affiant has never given express consent to Integrity Solution Services, Inc. to call Affiant or Affiant's personal cell phone.
- 3. From October 11, 2014 through November 4, 2014, Affiant received no less than 13 calls from Integrity Solution Services, Inc. (caller ID numbers 888-297-0415 and 585 928-6355) on his personal cell phones (phone numbers 585-348-0991 and 585-775-9109) (see attached). Affiant believes these calls to have been placed using an automatic telephone dialing system.

Further, Affiant sayeth naught.

Sonathan Paul Catlin

Date

State of Idaho County of Bonner

Subscribed and sworn to (or affirmed) before me on this _____ day of January, 2016 by Jonathan Paul Catlin, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

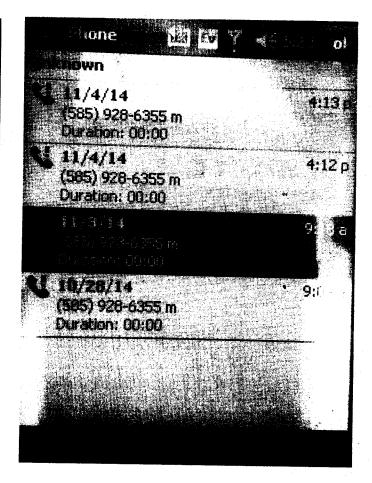
Motary Public

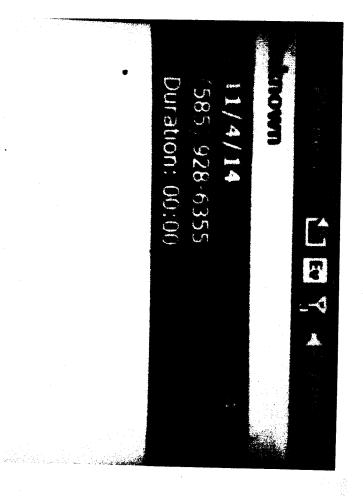
NOTARY PUBLIC PROPERTY OF TO FIDE HANDERS

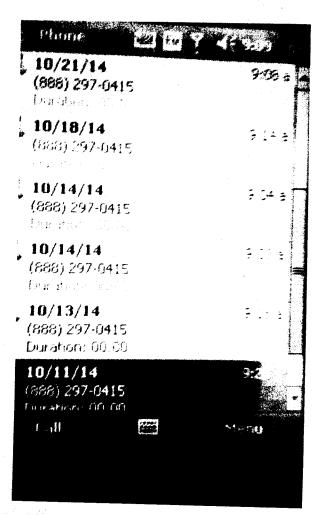
		10 585-348-0991		To 585-775-9 ⁻	109
		888-297-0415	585-928-6355	585-928-6355	÷
Date	Time				
10/11/2014	9:23 AM	1			
10/13/2014	9:16 AM	1			
10/14/2014	9:03 AM	1			
10/14/2014	9:04 AM	1			
10/18/2014	9:14 AM	1			
10/21/2014	9:08 AM	1			
10/23/2014	9:13	1			
10/23/2014	9:20 AM	1			
10/28/2014	9:09 PM			1	
11/3/2014	9:18 PM			1	
11/4/2014	4:12 PM			1	
11/4/2014				1	
11/4/2014				1	1
					ı

Case 6:16-cv-06147-DGL-MWP Document 1 Filed 03/08/16 Page 8 of 10

i i kuku.	1 7		ē, t.
rown i		377 4 4##777	
10/23/14 (888) 297-041 Duration: 00:0		9:20	a
10/23/14 (888) 297-041 Duration: 00:0		9:13	a
10/21/14 (888) 297-041 Duration: 00:0		9:08	ā
10/18/14 (888) 297-041! Duration: 00:0	etti oli aan aa saara ka	9:14	â
(888) 297-0415 Duration; 00:00		9:04	ā
THE WAY IN			a



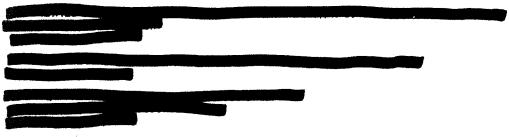




Page: 3 of 9

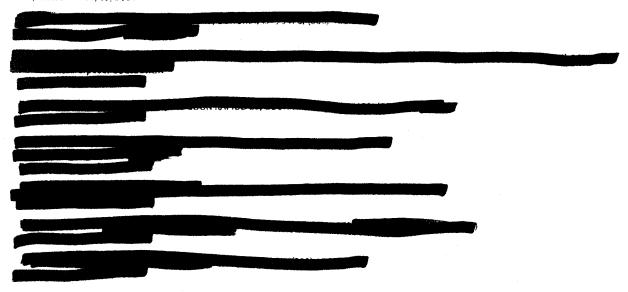
Consumer Credit Report for JONATHAN PAUL CATLIN

File Number: 331192233 Date Issued: 10/05/2015



PINNACLE FINANCIAL G via INTERGRITY SOLUTION SVCS (PO BOX 1850, ST CHARLES, MO 63302, (800) 732-6877)

Permissible Purpose: COLLECTION Requested On: 10/09/2014



End of Credit Report-

Should you wish to contact TransUnion, you may do so,

Online:

To dispute information contained in your credit report, please visit: www.transunion.com/disputeonline For answers to general questions, please visit: www.transunion.com

By Mail:

TransUnion Consumer Relations P.O. Box 2000 Chester, PA 19022-2000

By Phone:

(800) 916-8800

You may contact us between the hours of 8:00 a.m. and 11.00 p.m. Eastern Time, Monday through Friday, except major holidays.

For all correspondence, please have your TransUnion file number available (focated at the top of this report).

-Begin Additional Information-

Additional Information

The following disclosure of information is provided as a courtesy to you. This information is not part of your TransUnion credit file, but may be provided when TransUnion receives an inquiry about you from an authorized party. This additional information can include Special Messages, Possible Office of Foreign Assets Control ("OFAC") Name Matches, and Inquiry Analysis Information. Any of the previously listed information that pertains to you will be listed below.